

Feb 24, 2025

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOANNA ARREDONDO,

Defendant.

No. 1:24-CR-02027-SAB-23

ORDER DENYING DEFENDANT'S
SECOND MOTION TO MODIFY
CONDITIONS OF RELEASE AND
STRIKING MOTION HEARING**ECF No. 894**

Before the Court is Defendant's Second Motion to Modify Conditions of Release (ECF No. 894).¹ Defendant was represented by court-appointed attorney Troy Lee on the motion. Defendant is subject to a protective order prohibiting her from having contact with any codefendants in her case, including her husband, Fabian Arredondo, absent further order of the Court. ECF Nos. 362, 437. Now, Defendant requests that the Court modify the protective order (ECF Nos. 362, 437) and allow Defendant to facilitate contact between her children and her codefendant husband, who is not the biological father of the children. ECF No. 894. The

¹ Defendant requested a hearing on the Motion, but a hearing is unnecessary given the Court's prior Order on Defendant's marital communications in the pretrial context.

ECF No. 861.

1 United States Attorney's Office and the United States Probation/Pretrial Services
2 Office both object to Defendant's request. *Id.*

3 The motion before the Court is not Defendant's first request for the Court to
4 modify its protective order. Defendant previously filed a similar motion,
5 requesting that the Court allow her to send photos of herself and her three children
6 to her codefendant husband. ECF No. 840. And as this Court explained in both its
7 initial protective order (ECF Nos. 362, 437) and its order denying Defendant's first
8 motion (ECF No. 861), a court may curtail an individual's fundamental right of
9 association in the pretrial context. *See* 18 U.S.C. § 3142(c)(B)(iv) (a court may
10 issue pretrial release conditions that include "abid[ing] by specified restrictions on
11 personal associations, place of abode, or travel"); *NAACP v. Alabama*, 357 U.S.
12 449, 460 (1958) ("It is beyond debate that freedom to engage in association for the
13 advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured
14 by the Due Process Clause of the Fourteenth Amendment, which embraces
15 freedom of speech."). Furthermore, a magistrate judge is obligated to mitigate
16 possible obstruction of an ongoing criminal case. *See* 18 U.S.C. § 3142(f)(2)(B)
17 (stating that a judicial officer shall hold a detention hearing in cases that involve a
18 serious risk that a defendant will "attempt to obstruct justice"). Thus, the Court
19 has twice now weighed Defendant's liberty interest in marital contact with the
20 Court's need to prevent obstruction of justice and future criminal activity.

1 In Defendant's First Motion to Modify Conditions of Release (ECF No.
2 840), Defendant asked the Court to allow Defendant to send photos of herself and
3 her three children to her codefendant husband, and the Court denied the Motion.
4 ECF No. 861. In weighing Defendant's right to send photos of her children to her
5 codefendant husband against the risk of obstruction of justice, the Court considered
6 that (1) Defendant's codefendant husband is not the father of Defendant's children;
7 (2) the children's biological father objected to Defendant sending the photos due to
8 safety concerns and the fact that Defendant's codefendant husband is not a father
9 figure to the children; and (3) there is no indication that Defendant's codefendant
10 husband has any parental rights to the children or will have any such rights in the
11 future. *Id.* The Court declined to allow Defendant to create links between her
12 children and her codefendant husband when Defendant is not otherwise allowed to
13 communicate with her codefendant husband. *Id.* In other words, Defendant's right
14 to the requested marital contact, considering her codefendant husband's lack of
15 parental rights to the children, was outweighed by the risk of obstruction of justice.
16 The risk was that allowing Defendant to send photos to her codefendant husband
17 had the potential to be abused, which was supported by the United States'
18 allegations that "the defendants in this case took part in a conspiracy that included
19 circumventing telecommunications monitoring in order to facilitate the
20 introduction of controlled substances in correctional facilities." *Id.*

1 Defendant now requests that the Court allow her to facilitate visits between
2 her children and her codefendant husband by adding her name to her codefendant
3 husband's visit account and setting up the visits but not attending them herself.
4 ECF No. 894. Defendant asserts that although she will be setting up the visits, she
5 will not have any contact with her codefendant husband. *Id.* Additionally,
6 Defendant argues that the children's biological father's objection to the children
7 having contact with Defendant's codefendant husband should not be considered by
8 the court because "the morality of whether visits should be allowed is ultimately
9 not a question for the court." *Id.*

10 Defendant points to no portion of this Court's prior orders in support of her
11 assertion that this Court has, in denying her prior requests, engaged in a moral
12 judgment. While the motion could simply be dismissed for a failure to support her
13 underlying assertion of error, her complaint raises the issue of who, if anyone,
14 should consider the best interests of her children? The answer is simple. It is
15 reasonable to assume Defendant already knows the answer from personal
16 experience. The proper venue is the Superior Court of the State of Washington for
17 Yakima County, on its domestic docket.²

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19
20 ² *Arredondo v. Hernandez*, No. 24-3-00632-39 (Wash. Sup. Ct. Feb. 25, 2025) (Parenting
Plan/Child Support).

1 To be clear, Defendant is requesting that the Court allow her to add *her*
2 *name* to her codefendant husband's visit account to enable *her* to set up visits.
3 While Defendant asserts that the reason for adding her name to the visit account is
4 so that her children can visit her codefendant husband, Defendant is asking the
5 Court for permission to add *her name* to the visit list. Indeed, if Defendant did not
6 need to add her name to the visit list for her children to visit her codefendant
7 husband, then Defendant would not have needed to file the instant motion because
8 the Court's protective order would not prohibit the requested contact.³

9 While Defendant does have a protected marital relationship, *see Turner v.*
10 *Safley*, 482 U.S. 78, 98 (1987), the Court has previously weighed this right against
11 the risk of obstruction of justice and further criminal activity in this case twice
12 now. And like the Court ordered twice before, allowing Defendant to facilitate the
13 requested contact with her codefendant husband creates a risk of obstruction of
14 justice and further criminal activity that outweighs Defendant's liberty interest in
15 marital contact in the pretrial context. ECF Nos. 437, 861.

16
17 ³ The undersigned, as a prior Superior Court Judge, is nonetheless acutely aware that
18 Defendant, whose odds of convincing the Superior Court to allow her children contact
19 with her convicted-felon new husband who is serving a life-sentence over the objection
20 of their biological father are at or near zero, could also be using this motion as an end
run around state family court.

1 Contrary to Defendant's assertion, the Court is not making a morality
2 judgment regarding whether Defendant's children should be allowed to have
3 contact with Defendant's codefendant husband. Instead, the Court is making a
4 judgment in accordance with its obligation to mitigate obstruction of an ongoing
5 criminal case. *See* 18 U.S.C. § 3142(f)(2)(B) (stating that a judicial officer shall
6 hold a detention hearing in cases that involve a serious risk that a defendant will
7 "attempt to obstruct justice"); § 3142(c)(B)(iv) (a court may issue pretrial release
8 conditions that include "abid[ing] by specified restrictions on personal
9 associations"). Whether Defendant's children should be allowed to communicate
10 or visit with Defendant's codefendant husband despite their biological father's
11 objection to such contact is an issue for family court that this Court has not and
12 will not address. *Cf.* Wash. Rev. Code § 26.09.184(1)(a)-(f) (2024) (Permanent
13 Parenting Plan) ("The objectives of the permanent parenting plan are to: . . . (b)
14 Maintain the child's emotional stability; . . . (g) To otherwise protect the best
15 interests of the child consistent with RCW 26.09.002."). But Defendant is not
16 merely asking this Court to allow her children to have contact with her codefendant
17 husband, who has no parental rights with respect to the children and on this record
18 no basis to seek visitation.⁴ Instead, Defendant is actually asking this Court to

19 ⁴ *Cf.* Wash. Rev. Code § 26.11.020 (2024) (Nonparental Child Visitation – Petition For
20 Visitation – Criteria) ("(1) A person who is not the parent of the child may petition for

1 allow *her* to add *her name* to her codefendant husband's visit list, and this Court
2 will not allow Defendant to create a third-party conduit to her codefendant when
3 Defendant herself is the one necessarily initiating the contact, and such contact
4 creates a risk that Defendant could abuse the visitation process.

5 Accordingly, **IT IS ORDERED:**

6 1. Defendant's Second Motion to Modify Conditions of Release (ECF
7 No. 894) is **DENIED**.

8 2. The **Motion Hearing** set for **February 26, 2025, at 1:30 P.M.** is
9 **STRICKEN**.

10 **IT IS SO ORDERED.**

11 DATED February 24, 2025.



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The signature of Alexander C. Ekstrom is written in blue ink. It is a cursive signature that reads "Alexander C. Ekstrom".

18 ALEXANDER C. EKSTROM
19 UNITED STATES MAGISTRATE JUDGE
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visitation with the child if: (a) The petitioner has an ongoing and substantial
relationship with the child; (b) The petitioner is a relative of the child or a parent of the
child; and (c) the child is likely to suffer harm or a substantial risk of harm if visitation
is denied.”).